

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE SUSPENDED SOUTH
DAKOTA LICENSE OF JEFFREY A. BUCKAU,
DO, LICENSE NUMBER: 5034

*
* STIPULATION AND
* AGREEMENT OF
* CANCELLATION OF LICENSE
*

This Agreement, made and entered into by the South Dakota Board of Medical and Osteopathic Examiners, hereinafter referred to as the Board, by and through its duly appointed Investigative Committee consisting of Board Member Robert L. Ferrell, MD, Executive Director Margaret B. Hansen, Board Counsel Donald N. Srstka, and Board Investigator H. Adrian Mohr, and Jeffrey A. Buckau, DO, hereinafter referred to as Dr. Buckau, and his attorneys in the firm of Lynn, Jackson, Schultz and Lebrun, P.C.

WHEREAS, Dr. Buckau was the holder of license number 5034, and

WHEREAS, Dr. Buckau's license number 5034 was suspended by the Board on July 10, 2007, and

WHEREAS, the Board has received certain information that Dr. Buckau prescribed intoxicants, narcotics, barbiturates, or other habit-forming drugs to any person in quantities and under circumstances making it apparent to the Board that the prescription was not made for legitimate medicinal purposes or prescribing in a manner or in amounts calculated in the opinion of the Board to endanger the well-being of an individual patient or the public in general, and as a result thereof, the parties agree as follows:

1. Dr. Buckau waives any and all rights, administrative and judicial, that he may enjoy under the provisions of SDCL 1-26 and SDCL 36-4.

2. Dr. Buckau agrees to voluntarily and permanently cancel his South Dakota license number 5034.
3. Dr. Buckau agrees that he will not at any time practice medicine or osteopathy at any location in South Dakota.
4. Dr. Buckau will withdraw his appeal of the suspension of his license with prejudice.
5. Dr. Buckau agrees that this agreement is a public document which shall be reported to any entity deemed appropriate by the Board including, but not limited to, the National Practitioner Data Bank, the Healthcare Integrity Protection Data Bank, the Federation of State Medical Boards, any state licensing boards upon request, and will be published on the Board's disciplinary action website.
6. Dr. Buckau understands that he has the right and has been afforded the opportunity to have this agreement reviewed by his attorneys, and in the event he chooses to execute this document without taking the opportunity to avail himself of this right, such failure shall be deemed to be a waiver.
7. Dr. Buckau specifically waives any claim that disclosures made to the full membership of the Board for the purposes of its consideration of this agreement have prejudiced his rights to a fair and impartial hearing in the event this agreement is not accepted by the full Board and further proceedings ensue.
8. In the event of any question or dispute under the agreement, the parties agree that the terms of this agreement shall not be construed against the drafter but shall be construed as though both parties were the drafter.

9. This agreement embodies the entire agreement of the parties and supersedes all previous communications, representations, or agreements, either verbal or written, between the parties.
10. This agreement may be modified only by a written agreement, executed with the same formalities as this instrument.
12. Dr. Buckau further agrees that there have been no inducements or threats made in order to obtain this agreement.
13. Dr. Buckau agrees that he releases and indemnifies the State of South Dakota and the Board along with its members, agents, employees, attorneys, investigators, contract vendors, for any claims, causes of action or lawsuits which he may have had with regard to these licensure proceedings or any other claim or cause of action which is claimed to exist as of the date of this agreement.

STATE OF SOUTH DAKOTA } S.S.
MINNEHAHA COUNTY }
I hereby certify that the foregoing
instrument is a true and correct copy
of the original as the same appears
on the record in my office.

Executive Secretary

By: MBH by jpo
Date: 3-26-08

By: Margaret B. Hansen
Margaret B. Hansen
Executive Director, SDBMOE

The South Dakota Board of Medical and
Osteopathic Examiners

By:

Robert Ferrell, MD
President, SDBMOE

By:

Donald N. Srstka
General Counsel, SDBMOE

By:

Jeffrey A. Buckau, DO

By:

Attorney representing Dr. Buckau

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE
SUSPENDED SOUTH DAKOTA
MEDICAL LICENSE OF JEFFREY A.
BUCKAU, DO, LICENSE #5034

ORDER ACCEPTING
STIPULATION AND AGREEMENT
OF CANCELLATION OF LICENSE

Whereas, medical license #5034 issued to Jeffrey A. Buckau, DO, was suspended by the South Dakota Board of Medical and Osteopathic Examiners due to his practice of prescribing intoxicants, narcotics, barbiturates, or other habit-forming drugs to his patients in quantities and under circumstances making it apparent to the Board that the prescription was not made for legitimate medicinal purposes, or prescribing in a manner or in amounts calculated in the opinion of the Board to endanger the well- being of his patients or the public in general, and

Whereas, Jeffrey A. Buckau, DO, was represented by counsel and appealed the suspension by entering into a contested case with the Board, and

Whereas, Dr. Buckau has waived his appeal and contested case, and has signed a Proposed Stipulation and Agreement of Cancellation of License, and has waived his rights thereon.

Therefore, the members of the Board having been advised in the premises, did affirm and approve the Proposed Stipulation and Agreement of Cancellation of License in its entirety, and for good cause shown, it is hereby ORDERED that the medical license of Dr. Jeffrey A. Buckau, is permanently cancelled dated March 26, 2008.


Dated this 26th day of March, 2008

STATE OF SOUTH DAKOTA
MINNEHAHA COUNTY
I hereby certify the foregoing
instrument is a true and correct
copy of the original as the same appears
on the record in my office.

Executive Secretary

By MBH by ip
Date 3-26-08

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Robert L. Ferrell, MD
President, SDBMOE